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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

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04/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/862,789	Applicant(s) ORHOMURU, SUNDAY	
	Examiner LASHONDA T. JACOBS	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/21/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's Pre-Appeal Request filed on January 21, 2008.

Claims 1-4 are presented for further examination.

Claim Objections

1. Claim **3** is objected to because of the following informalities: Claim 3 recites the limitation “the system” in line 12. In order to clarify the claim language, should “the system”, read ---the method---? Appropriate correction is required.
2. Claim **4** is objected to because of the following informalities: Claim 4 recites the limitation “the system” in line 5. In order to clarify the claim language, should “the system”, read ---the method---? Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims **1** and **2** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims **1** and **2** provides for the use of wireless mobile phone of claims 1 and 2--, where the claims recite a method for data transfer or transferring data of claims 1 and 2 to access, search, post, update and delete any type of data from data files or from any database file, but,

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since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

6. Claims 3 and 4 provides for the use of WAP Shopping Site with a Catalog System of claims 3 and 4--, where the claims recite a method for WAP Shopping Site with Catalog System of claims 1 and 2 to add, view and delete items ordered, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Kloba et al (hereinafter, “Kloba”, U.S. Pat. No. 6,779,042).

As per claims 1 and 2, Kloba discloses a method for data transfer or transferring data using a wireless mobile phone with browsers selected from the group consisting of WAP browsers and any other wireless mobile phone browsers and any other wireless mobile devices, that are able to access, search, post, update and delete any type of data from any data files or from any database file using wireless mobile phone with browsers selected from the group consisting of WAP browsers and any other wireless mobile phone browsers and any other wireless mobile devices and also able to access, search, post, update and delete the same files or database files online or offline or both online and offline using computer on a very secure environment with data integrity (abstract, col. 1, lines 40-67, col. 3, lines 63-67, col. 4, lines 1-62, col. 4, lines 41-67, col. 7, lines 12-17 and col. 13, lines 54-63; Kloba discloses a method for allowing users of mobile devices to use various sync operations such as copying, adding, removing, updating, merging, etc in order to synchronize or transfer data between the user and server while in a online or offline mode. Therefore, Kloba teaches a method for data transfer or transferring data using a wireless mobile phone with browsers selected from the group consisting of WAP browsers and any other wireless mobile phone browsers and any other wireless mobile devices, that are able to access, search, post, update and delete any type of data from any data files or from any database file using wireless mobile phone with browsers selected from the

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group consisting of WAP browsers and any other wireless mobile phone browsers and any other wireless mobile devices and also able to access, search, post, update and delete the same files or database files online or offline or both online and offline using computer on a very secure environment with data integrity).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims **3** and **4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kloba in view of Haynes et al (hereinafter, "Haynes", U.S. Pat. No. 7,110,968)

As per claims **3** and **4**, Kloba discloses the invention substantially as claims discussed above.

However, Kloba does not explicitly disclose:

- WAP Shopping Site with catalog system that allows for the displaying, browsing and searching of products with WAP shopping cart that allows visitors to add, view and delete items ordered and allows visitors to checkout, when visitors check out they are presented with a secure page to supply their personal information with built in 24 Hour a Day, 7 Days a Week Support System providing customers with feedbacks and communications, using database like Access Database, SQL Server, Oracle Server etc, and customers are also able to shop online on this shopping site using their computers.

Haynes discloses a method for managing an electronic-commerce shopping cart comprising:

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- WAP Shopping Site with catalog system that allows for the displaying, browsing and searching of products with WAP shopping cart that allows visitors to add, view and delete items ordered and allows visitors to checkout, when visitors check out they are presented with a secure page to supply their personal information with built in 24 Hour a Day, 7 Days a Week Support System providing customers with feedbacks and communications, using database like Access Database, SQL Server, Oracle Server etc, and customers are also able to shop online on this shopping site using their computers (abstract, col. 3, lines 20-37 and col. 4, lines 34-50; Haynes teaches a user accessing an online shopping website with a WAP browser that allows the shopper to browse, add, change and remove items in a shopping cart.).

Given the teaching of Haynes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kloba to include access to an online shopping website to allow a user to browse, add and remove products/items to a shopping cart in a timely and efficient manner thereby providing a system for easy and flexible shopping.

Response to Arguments

12. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHONDA T. JACOBS whose telephone number is (571)272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShonda T Jacobs/
Primary Examiner, Art Unit 2157

ltj
April 28, 2008